

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

<b>GORE RANGE CONSTRUCTION, INC.</b>	)	
<b>d/b/a GROVE BUILDERS,</b>	)	
<b>a Colorado Corporation,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	
<b>vs.</b>	)	<b>CASE No. 10-CV-182-JHP-FHM</b>
	)	
<b>THE EPISCOPAL DIOCESE OF</b>	)	
<b>OKLAHOMA, INC., an Oklahoma</b>	)	
<b>Corporation,,</b>	)	
	)	
<b>DEFENDANT.</b>	)	

**OPINION AND ORDER**

Plaintiff's Motion to Compel Pursuant to F.R.C.P. Rule 37(3)(B)(III) & (IV) [Dkt. 30] is before the Court for decision. Defendant has filed a response [Dkt. 31]. No reply has been filed.

Plaintiff's motion seeks an order compelling Defendant to respond to Plaintiff's discovery requests. Defendant's response states that apparently due to a clerical error in Defendant's attorney's office, Defendant's attorney was not aware that the discovery requests had been served but that responses have now been provided to Plaintiff.

The Court finds that Plaintiff's Motion to Compel [Dkt. 30] is moot.

SO ORDERED this 8th day of March, 2011.

  
**FRANK H. McCARTHY**  
**UNITED STATES MAGISTRATE JUDGE**